

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 28 2006  
at \_\_\_\_\_ o'clock and \_\_\_\_\_ min. M  
SUE BEITIA, CLERK

CARRIE K.S. OKINAGA, 5958  
Corporation Counsel  
KENDRA K. KAWAI, 7779  
MARIE MANUELE GAVIGAN, 6585  
Deputies Corporation Counsel  
530 S. King Street, Room 110  
City and County of Honolulu  
Honolulu, Hawai'i 96813  
Telephone: 523-4116/527-5585  
Facsimile: 523-4583  
Email address: [kkawai@honolulu.gov](mailto:kkawai@honolulu.gov)

Attorneys for Defendants WILLIAM P. BADUA,  
JEFFREY OMAI and SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,	) CIVIL NO. CV03-476 KSC
	)
Plaintiff,	) DEFENDANTS
	) WILLIAM P. BADUA,
vs.	) JEFFREY OMAI AND
	) SPENCER ANDERSON'S
WILLIAM P. BADUA;	) OPPOSITION TO PLAINTIFF'S
JEFFREY OMAI;	) MOTION IN LIMINE RE
SPENCER ANDERSON;	) EXCLUSION OF ALL EVIDENCE
NEIL PANG;	) THAT THE ARREST WARRANT
and DOES 5-10,	) FOR ALLEN COLOYAN WAS
	) SIGNED BY KEVIN S.C. CHANG;
Defendants.	) CERTIFICATE OF SERVICE
	)
	) Date: March 13, 2006
	) Time: 1:30 p.m.
	) Judge: Honorable Kevin S.C. Chang
	)
	) TRIAL DATE: WEEK OF
	MARCH 14, 2006

DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND  
SPENCER ANDERSON'S OPPOSITION TO PLAINTIFF'S MOTION IN  
LIMINE RE EXCLUSION OF ALL EVIDENCE THAT THE ARREST  
WARRANT FOR ALLEN COLOYAN WAS SIGNED BY KEVIN S.C. CHANG

Come Now Defendants WILLIAM P. BADUA, JEFFREY OMAI and SPENCER ANDERSON (hereinafter referred to as "Defendants"), by and through their attorneys, Carrie K.S. Okinaga, Corporation Counsel, and Kendra K. Kawai and Marie Manuele Gavigan, Deputies Corporation Counsel, and file this memorandum in opposition to Plaintiff's motion, in limine, to exclude all evidence that the arrest warrant for Allan Coloyan<sup>1</sup> (hereinafter "Plaintiff's son") was signed by the Honorable Kevin S.C. Chang. For the reasons stated herein, the Defendants request that Plaintiff's motion, in limine, be denied based on the foregoing.

I. PLAINTIFF'S MOTION IN LIMINE

Plaintiff seeks to exclude "any evidence or any reference that the arrest warrant for Allen [sic] Coloyan was signed by United States Magistrate Kevin S.C. Chang". Plaintiff's Motion in Limine Re Exclusion of All Evidence that the Arrest Warrant for Allen Coloyan was Signed by Kevin S.C. Chang, page 3.

---

<sup>1</sup> Plaintiff refers to her son as "Allen Coloyan". However, Defendants believe that the correct spelling of her son's first name is "Allan".

In Plaintiff's Memorandum in Support of her Motion, Plaintiff asserts that there are two issues in this case to be litigated at trial.<sup>2</sup> In this particular motion, Plaintiff argues multiples issues; some issues which do not pertain to the subject matter of this motion, but pertain to the other two motions in limine filed in this case. However, Defendants will respond directly to the respective issue at hand in order to avoid any further confusion.

## II. DISCUSSION

After reading Plaintiff's Memorandum in Support of her Motion to exclude all evidence that the arrest warrant was signed by the Honorable Kevin S.C. Chang, Defendants could not extract any coherent reason why Judge Chang's signature should be omitted from the federal arrest warrant for Allan Coloyan.

Nonetheless, Defendants argue that the signature of the judge that issued the federal arrest warrant at issue in this case is relevant, pursuant to Rule 401 of the FRE, in that it demonstrates that the subject document is authentic and was signed and executed by a federal district court judge. On the other hand, Defendants will not object to this motion, in limine, so long as the following conditions are met: (1)

---

<sup>2</sup> Defendants disagree with Plaintiff's statement that there are two issues. Defendants assert that there is only one issue in this case, that being whether Plaintiff consented to Defendants' entry to search her home to verify that her son was not present within the residence. Defendants will address this issue in their trial brief.

the whole line stating the judge's name, his title and signature, if any, be omitted (including the word "By:"); and (2) this Court give an instruction that this federal arrest warrant was signed by a federal district court judge and was properly issued.


III. CONCLUSION

For all the foregoing reasons, Defendants respectfully request that this Honorable Court deny Plaintiff's Motion in Limine Re Exclusion of All Evidence that the Arrest Warrant for Allen Coloyan was Signed by Kevin S.C. Chang. However, Defendants will not object to this motion so long as the above-mentioned conditions are met.

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA  
Corporation Counsel

By:

  
\_\_\_\_\_  
KENDRA K. KAWAI  
MARIE MANUELE GAVIGAN  
Deputies Corporation Counsel

Attorney for Defendants  
WILLIAM P. BADUA  
JEFFREY OMAI and  
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

OFELIA COLOYAN,	)	CIVIL NO. 03-476 KSC
	)	
Plaintiff,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
WILLIAM P. BADUA;	)	
JEFFREY OMAI;	)	
SPENCER ANDERSON;	)	
NEIL PANG;	)	
and DOES 5-10,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

---

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand  
delivery to the following individuals at their addresses shown below on  
February 28, 2006:

JACK SCHWEIGERT, ESQ.  
550 Halekauwila Street, Room 309  
Honolulu, Hawai'i 96813  
and


ARTHUR E. ROSS, ESQ.  
126 Queen Street, Suite 210  
Honolulu, Hawaii 96813  
and

RORY SOARES TOOMEY  
1088 Bishop Street, Suite 1004  
Honolulu, Hawaii 96813

Attorneys for Plaintiff  
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 28, 2006.

CARRIE K.S. OKINAGA  
Corporation Counsel

By:   
KENDRA K. KAWAI  
MARIE MANUELE GAVIGAN  
Deputies Corporation Counsel

Attorney for Defendants  
WILLIAM P. BADUA  
JEFFREY OMAI and  
SPENCER ANDERSON